

A BANK WRECKER'S TRIAL

THE JURY CHOSEN TO TRY E. L. HARPER AT CINCINNATI.

A Statement of the Case in Court and the Testimony of the Government Begun. Misapplication and Embezzlement are the Two Principal Charges.

CINCINNATI, Dec. 1.—The jury has been secured to try E. L. Harper, the late vice-president of the defunct Fidelity National bank. The twelve men were secured without exhausting the first panel of fifty names. The names and postoffice address of each is as follows:

Clarkson Butterworth, Wilmington, Clinton county; farmer.
Z. D. Fisher, Madisonville, Hamilton county; storekeeper.
William Martindale, Xenia, Green county; carpenter.
Raymond Gees, New Richmond, Clermont county; farmer.
Edward Roberts, Harpersburg, Warren county; farmer.
John Stevenson, Xenia, Green county; farmer.
Clark Taylor, Arabia, Lawrence county; storekeeper.
John B. Turner, Laurel, Clermont county; farmer.
Kiefer Westlake, Troy, Miami county; farmer.
Silas Williamson, Bethany, Butler county; farmer.
Jeremiah Wenger, Dayton, Montgomery county; farmer.
William Yingling, Hanging Rock, Lawrence county; farmer.

Mr. Burnett in his remarks to the jury stated that the two general charges against Harper were misapplication and embezzlement, and that the testimony would prove it so. From the day of the organization of the bank, Harper as director and vice president had practiced the abstraction of the bank's moneys and funds to carry on his speculations in Chicago wheat. Harper used Hopkins as a tool. That Harper had discounted paper of the Riverside iron and steel works, an insolvent concern, and that Harper raised various other large sums of money in a criminal way.

Mr. Burnett reviewed all the points elaborately and clearly, speaking three-quarters of an hour. Maj. C. H. Blackburn, counsel for Harper, then presented his side of the case in a low tone of voice and very briefly. "With the submission of a single point," he said, "it is already manifest to each man upon the jury that the inquiry involved is of such a character as must present a voluminous account—an intricate commercial transaction—attended, possibly, with many complications." He added that on the testimony to be produced the jury "could not find Harper guilty of criminal violation of the National banking laws."

After the case had been stated an adjournment for the day was taken.

The jury slept on cots in the court room last night. They were guarded by United States Deputy Marshals Kierstedt and Costello. Every one of the jury is an early riser, and all were up at 4 a. m. At 7 they took breakfast at the Dennison house.

At an early hour the officials of the United States court were busily engaged. The prosecutors were in earnest consultation with witnesses. Deputy Marshal Rohrer stepped nimbly about.

A few spectators straggled in about 9:30. At 9:45 the space outside the bar was comfortably filled, and by 10 a. m. standing room was at a premium.

The prosecutors were at their desks armed with books and papers by ten minutes of ten.

E. L. Harper, followed by Mrs. Harper and Miss Matthews, arrived four minutes before ten. Major Blackburn and Judge Wilson reached the court room about the same time.

At two minutes past ten Judges Jackson and Sage took their seats, while the jury filed slowly in. One juror, Silas Williamson, did not respond. Judge Sage stated that he had permitted him to go to the country last night.

United States Attorney Burnett offered as evidence the certificate of the officers and directors of the Fidelity bank and also its charter. Both were read to the court and jury.

The first witness for the government, J. W. Hoyt, took the stand at 10:30. Mr. Hoyt and Joseph W. Wilshire were the brokers employed by Harper to corner the Chicago wheat market. Mr. Hoyt is thirty-five years old, has keen gray eyes, a peculiarly slender nose and large, reddish-brown mustache. His demeanor on the witness stand was that of a cool, shrewd business man. He was armed with books and documents, to which he referred from time to time in a very calm, precise manner. While his testimony was being given Harper smiled and nudged Maj. Blackburn frequently.

The government sought to introduce testimony in regard to Benjamin Hopkins' dealings with Hoyt. This was objected to. The evidence was admitted upon the statement of the prosecutor that he proposed to connect the transaction with Harper, and with the understanding that it would be ruled out in case this connection was not shown.

The witness testified that the first purchase by Hopkins—5,000 bushels of September wheat—was made January 19, 1896. Numerous purchases were made during the year, the amount and date of each purchase being given.

A series of drafts were presented to Mr. Hoyt, and identified by him. They were drawn by the Fidelity National bank upon the Chemical National bank and other banks in favor of J. W. Hoyt, and were signed, some by E. L. Harper, vice president, and others by Benjamin E. Hopkins, assistant cashier. All these drafts were sent to Irwin, Green & Co., of Chicago, as margins on grain purchases.

Mr. Hoyt testified that his dealings were all with Benjamin E. Hopkins; he had never spoken to E. L. Harper. Hopkins gave him checks signed by himself. With these he (Hoyt) purchased of the exchange clerk drafts and letters of advice in favor of Irwin, Green & Co. and C. J. Kershaw & Co., of Chicago. Hoyt said that he went to Chicago the next day after the wheat market broke and went directly to the Exchange National bank. There he met Joseph W. Wilshire, Kershaw, Irwin, the bank cashier, and several of the bank officials. While in Chicago he received two drafts for \$100,000 each, executed by the Fidelity National bank.

The cross-examination of Hoyt was brief. He said he was a broker on margins. Had known Hopkins about two years, but had never met Harper in his life.

Judge Jackson: "Did any valuable con-

sideration move Hopkins when he gave these checks?"

"No, Sir."
The second witness for the government, was C. W. Kershaw, a Chicago grain merchant. Mr. Kershaw, although in the grain business for twenty-five years, looks very much like a retired farmer. He is about sixty years old, wears a full beard, tinged with gray. He has a well-shaped head that is beginning to lose its hair, covering.

POINTED PARAGRAPHS.

Topics of the Times Given in a terse and spicy manner.

The Democratic majority in Virginia was 49.

Gold has been struck in Montgomery county, Maryland.

State Auditor W. R. Miller, of Arkansas, died Monday.

Chicago council wants the gas trust's charter forfeited.

Hawaiian assembly ratifies a further loan of \$2,000,000 from England.

James G. Blaine is expected to reach San Francisco from Japan, June 30.

High bridge over the Mississippi at Dubuque, Iowa, was dedicated Tuesday.

At Huron, Dak., John H. Gowan and daughter were suffocated by coal gas.

Charles Heimberger, of Meadville, Pa., is alive and healthy with a bullet in his head.

Henry Overstolz, an aged and wealthy citizen and ex-mayor of St. Louis, died Tuesday.

Jack Dempsey wants to fight Pete McCoy, Kellihier and the "Marine" at intervals of two weeks.

The king of Corea will send ministers to England, France, Germany, Russia and the United States.

Governor of Guilan, Mexico, has offered \$10,000 reward for the capture of Eraclo Bernal, a noted bandit.

Creighton, Leahy & Co., wholesale dealers in boots and shoes, Chicago, assigned. Liabilities, \$80,000; assets, \$53,000.

Three woodoo doctors are charged with setting fire to a bed and burning James Wilson, aged three, at St. Louis.

John B. Laing & Co., of London, Ont., wholesale dry goods dealers, have failed; assets, \$50,000; liabilities, \$109,000.

While driving a nail into a scantling saturated with nitro-glycerine August Gunther, Hancock, Mich., was blown up. He will die.

Henry Irving's performance of "Faust" in New York Tuesday night realized \$2,931.50, which will be turned over to the Beecher monument fund.

Jacob Rheinholdt, who had wealth parents in Germany, came to Philadelphia last spring with \$800. Recently he began drinking and Saturday drank eighteen cocktails in forty-five minutes. He is now in the promised land.

Mrs. Able, living near Oakland, Cal., was supposed to be dead and in a coffin, when she awakened from a trance and knocked the mourners silly. Seeing her surroundings she fainted, was carried into the next room and gave birth to a male child.

Congressman Daugherty, of Florida, permitted some men to work on his Georgia plantations on Sunday. The Sunday law is very strict there and the honorable gentleman was arrested for its violation. At the trial he swore that he never did a lick of work in his life. He was discharged.

FINANCE AND COMMERCE.

Quotations of the Money, Stock, Produce and Cattle Market for Nov. 30.

New York—Money 84 per cent. Exchange steady. Governments steady.

Currency sixes, 122 bid; four coupons, 126; four-and-a-half, 108 bid.

The stock market opened firm and on some buying by the bull leaders prices advanced 1/8 to 1/4 per cent. by the first call. The advance was hardly recorded when there was free selling inaugurated, the result of reports from the west of extensive rate cutting by western roads. Under this pressure to sell, the advance was not only lost but a decline of 1/8 to 1/4 per cent. from the opening figures had taken place by noon. The market has since been dull.

Bar. & Quiney... 128 1/4 Michigan Central 87 1/4
Central Pacific... 89 1/4 Missouri Pacific... 89 1/4
C. & O. & L... 104 1/4 N. Y. Central... 107 1/4
E. & Hudson... 104 1/4 Northwestern... 109 1/4
E. & W... 131 1/4 Do preferred... 14 1/4
Illinois Central... 118 1/4 O. & M... 25 1/4
Kansas & Texas... 18 1/4 Pacific Mail... 59 1/4
Lake Shore... 94 1/4 S. P... 75 1/4
Louisville & Nash... 99 1/4 Western Union... 79 1/4

Cincinnati.

FLOUR—Fancy, \$3 00; 35; family, \$3 20; 35.

WHEAT—No. 3 red, 73 3/4; No. 2, 81 1/4; 35.

CORN—No. 3 mixed, 51 1/4; No. 2 mixed, 52 1/4; 35.

OATS—No. 3 mixed, 30 1/4; No. 2 mixed, 31 1/4; 35.

PODS—amly, \$11 75; 10; regular, \$14 50; 14 75.

LARD—Kettle, 7 1/4; 75.

POULTRY—Common chickens, \$1 75; 20 per dozen; fair to prime, \$2 25; 25.

WOOL—Unwashed fine merino, 17 1/2; one-fourth blood combing 22 1/2; medium uelaine and combed, 23 1/2; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 53; 54; 55; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 66; 67; 68; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 83; 84; 85; 86; 87; 88; 89; 90; 91; 92; 93; 94; 95; 96; 97; 98; 99; 100; 101; 102; 103; 104; 105; 106; 107; 108; 109; 110; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120; 121; 122; 123; 124; 125; 126; 127; 128; 129; 130; 131; 132; 133; 134; 135; 136; 137; 138; 139; 140; 141; 142; 143; 144; 145; 146; 147; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158; 159; 160; 161; 162; 163; 164; 165; 166; 167; 168; 169; 170; 171; 172; 173; 174; 175; 176; 177; 178; 179; 180; 181; 182; 183; 184; 185; 186; 187; 188; 189; 190; 191; 192; 193; 194; 195; 196; 197; 198; 199; 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 229; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 240; 241; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 259; 260; 261; 262; 263; 264; 265; 266; 267; 268; 269; 270; 271; 272; 273; 274; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 294; 295; 296; 297; 298; 299; 300; 301; 302; 303; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 319; 320; 321; 322; 323; 324; 325; 326; 327; 328; 329; 330; 331; 332; 333; 334; 335; 336; 337; 338; 339; 340; 341; 342; 343; 344; 345; 346; 347; 348; 349; 350; 351; 352; 353; 354; 355; 356; 357; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 368; 369; 370; 371; 372; 373; 374; 375; 376; 377; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 415; 416; 417; 418; 419; 420; 421; 422; 423; 424; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 435; 436; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 449; 450; 451; 452; 453; 454; 455; 456; 457; 458; 459; 460; 461; 462; 463; 464; 465; 466; 467; 468; 469; 470; 471; 472; 473; 474; 475; 476; 477; 478; 479; 480; 481; 482; 483; 484; 485; 486; 487; 488; 489; 490; 491; 492; 493; 494; 495; 496; 497; 498; 499; 500; 501; 502; 503; 504; 505; 506; 507; 508; 509; 510; 511; 512; 513; 514; 515; 516; 517; 518; 519; 520; 521; 522; 523; 524; 525; 526; 527; 528; 529; 530; 531; 532; 533; 534; 535; 536; 537; 538; 539; 540; 541; 542; 543; 544; 545; 546; 547; 548; 549; 550; 551; 552; 553; 554; 555; 556; 557; 558; 559; 560; 561; 562; 563; 564; 565; 566; 567; 568; 569; 570; 571; 572; 573; 574; 575; 576; 577; 578; 579; 580; 581; 582; 583; 584; 585; 586; 587; 588; 589; 590; 591; 592; 593; 594; 595; 596; 597; 598; 599; 600; 601; 602; 603; 604; 605; 606; 607; 608; 609; 610; 611; 612; 613; 614; 615; 616; 617; 618; 619; 620; 621; 622; 623; 624; 625; 626; 627; 628; 629; 630; 631; 632; 633; 634; 635; 636; 637; 638; 639; 640; 641; 642; 643; 644; 645; 646; 647; 648; 649; 650; 651; 652; 653; 654; 655; 656; 657; 658; 659; 660; 661; 662; 663; 664; 665; 666; 667; 668; 669; 670; 671; 672; 673; 674; 675; 676; 677; 678; 679; 680; 681; 682; 683; 684; 685; 686; 687; 688; 689; 690; 691; 692; 693; 694; 695; 696; 697; 698; 699; 700; 701; 702; 703; 704; 705; 706; 707; 708; 709; 710; 711; 712; 713; 714; 715; 716; 717; 718; 719; 720; 721; 722; 723; 724; 725; 726; 727; 728; 729; 730; 731; 732; 733; 734; 735; 736; 737; 738; 739; 740; 741; 742; 743; 744; 745; 746; 747; 748; 749; 750; 751; 752; 753; 754; 755; 756; 757; 758; 759; 760; 761; 762; 763; 764; 765; 766; 767; 768; 769; 770; 771; 772; 773; 774; 775; 776; 777; 778; 779; 780; 781; 782; 783; 784; 785; 786; 787; 788; 789; 790; 791; 792; 793; 794; 795; 796; 797; 798; 799; 800; 801; 802; 803; 804; 805; 806; 807; 808; 809; 810; 811; 812; 813; 814; 815; 816; 817; 818; 819; 820; 821; 822; 823; 824; 825; 826; 827; 828; 829; 830; 831; 832; 833; 834; 835; 836; 837; 838; 839; 840; 841; 842; 843; 844; 845; 846; 847; 848; 849; 850; 851; 852; 853; 854; 855; 856; 857; 858; 859; 860; 861; 862; 863; 864; 865; 866; 867; 868; 869; 870; 871; 872; 873; 874; 875; 876; 877; 878; 879; 880; 881; 882; 883; 884; 885; 886; 887; 888; 889; 890; 891; 892; 893; 894; 895; 896; 897; 898; 899; 900; 901; 902; 903; 904; 905; 906; 907; 908; 909; 910; 911; 912; 913; 914; 915; 916; 917; 918; 919; 920; 921; 922; 923; 924; 925; 926; 927; 928; 929; 930; 931; 932; 933; 934; 935; 936; 937; 938; 939; 940; 941; 942; 943; 944; 945; 946; 947; 948; 949; 950; 951; 952; 953; 954; 955; 956; 957; 958; 959; 960; 961; 962; 963; 964; 965; 966; 967; 968; 969; 970; 971; 972; 973; 974; 975; 976; 977; 978; 979; 980; 981; 982; 983; 984; 985; 986; 987; 988; 989; 990; 991; 992; 993; 994; 995; 996; 997; 998; 999; 1000.

WHEAT—No. 1 state red, 92 3/4; No. 2 red, 91 1/4; 90 3/4; 89 1/4; 88 3/4; 87 1/4; 86 3/4; 85 1/4; 84 3/4; 83 1/4; 82 3/4; 81 1/4; 80 3/4; 79 1/4; 78 3/4; 77 1/4; 76 3/4; 75 1/4; 74 3/4; 73 1/4; 72 3/4; 71 1/4; 70 3/4; 69 1/4; 68 3/4; 67 1/4; 66 3/4; 65 1/4; 64 3/4; 63 1/4; 62 3/4; 61 1/4; 60 3/4; 59 1/4; 58 3/4; 57 1/4; 56 3/4; 55 1/4; 54 3/4; 53 1/4; 52 3/4; 51 1/4; 50 3/4; 49 1/4; 48 3/4; 47 1/4; 46 3/4; 45 1/4; 44 3/4; 43 1/4; 42 3/4; 41 1/4; 40 3/4; 39 1/4; 38 3/4; 37 1/4; 36 3/4; 35 1/4; 34 3/4; 33 1/4; 32 3/4; 31 1/4; 30 3/4; 29 1/4; 28 3/4; 27 1/4; 26 3/4; 25 1/4; 24 3/4; 23 1/4; 22 3/4; 21 1/4; 20 3/4; 19 1/4; 18 3/4; 17 1/4; 16 3/4; 15 1/4; 14 3/4; 13 1/4; 12 3/4; 11 1/4; 10 3/4; 9 1/4; 8 3/4; 7 1/4; 6 3/4; 5 1/4; 4 3/4; 3 1/4; 2 3/4; 1 1/4; 3/4; 1/2; 1/4; 1/8; 1/16; 1/32; 1/64; 1/128; 1/256; 1/512; 1/1024; 1/2048; 1/4096; 1/8192; 1/16384; 1/32768; 1/65536; 1/131072; 1/262144; 1/524288; 1/1048576; 1/2097152; 1/4194304; 1/8388608; 1/16777216; 1/33554432; 1/67108864; 1/134217728; 1/268435456; 1/536870912; 1/1073741824; 1/2147483648; 1/4294967296; 1/8589934592; 1/17179869184; 1/34359738368; 1/68719476736; 1/137438953472; 1/274877906944; 1/549755813888; 1/1099511627776; 1/2199023255552; 1/4398046511104; 1/8796093022208; 1/17592186044416; 1/35184372088832; 1/70368744177664; 1/140737488355328; 1/281474976710656; 1/562949953421312; 1/1125899906842624; 1/2251799813685248; 1/4503599627370496; 1/9007199254740992; 1/18014398509481984; 1/36028797018963968; 1/72057594037927936; 1/144115188075855872; 1/288230376151711744; 1/576460752303423488; 1/1152921504606846976; 1/2305843009213693952; 1/4611686018427387904; 1/9223372036854775808; 1/18446744073709551616; 1/36893488147419103232; 1/73786976294838206464; 1/147573952589676412928; 1/295147905179352825856; 1/590295810358705651712; 1/1180591620717411303424; 1/2361183241434822606848; 1/4722366482869645213696; 1/9444732965739290427392; 1/18889465931478580854784; 1/37778931862957161709568; 1/75557863725914323419136; 1/151115727451828646838272; 1/302231454903657293676544; 1/604462909807314587353088; 1/1208925819614629174706176; 1/2417851639229258349412352; 1/4835703278458516698824704; 1/9671406556917033397649408; 1/19342813113834066795298816; 1/38685626227668133590597632; 1/77371252455336267181195264; 1/154742504910672534362390528; 1/309485009821345068724781056; 1/618970019642690137449562112; 1/1237940039285380274899124224; 1/2475880078570760549798248448; 1/4951760157141521099596496896; 1/9903520314283042199192993792; 1/19807040628566084398385987584; 1/39614081257132168796771975168; 1/79228162514264337593543950336; 1/158456325028528675187087900672; 1/316912650057057350374175801344; 1/633825300114114700748351602688; 1/1267650600228229401496703205376; 1/2535301200456458802993406410752; 1/5070602400912917605986812821504; 1/10141204801825835211973625643008; 1/202824096036516